



Circuit Court

County of Oakland

WENDY POTTS
CHIEF CIRCUIT JUDGE

1200 N TELEGRAPH RD DEPT 404
PONTIAC MI 48341-0404

SIXTH JUDICIAL CIRCUIT
OF MICHIGAN
(248) 858-0365
FAX 248-975-9787

July 22, 2005

Mr. Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

Re: **Proposed Amendment of Michigan Court Rule 8.103**
ADM File No. 2004-42

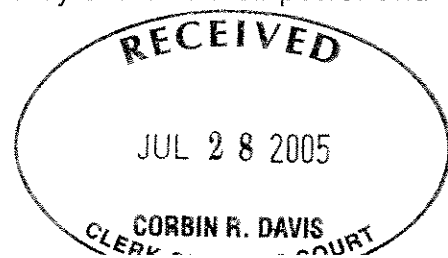
Dear Mr. Davis:

The Sixth Judicial Circuit Court (Oakland County) is opposed to the proposed amendment to Michigan Court Rule 8.103. The amendment would, among other things, require the state court administrator to file a request for investigation with the Judicial Tenure Commission against each judge who consistently fails to comply with the caseload management standards. The proposed amendment is unnecessary as a means already exists to address delays in performing judicial duties.

Michigan Court Rule 8.110(C)(3)(a) provides that a chief judge possesses the authority and responsibility to "supervise caseload management and monitor disposition of the judicial work of the court." The amendment diminishes and circumvents a chief judge's authority by requiring the state court administrator to determine if a judge has consistently failed to comply with the standards.

In addition to bypassing the chief judge's involvement, the amendment is ambiguous as it does not define what constitutes failure to comply; nor does it provide for exceptional circumstances such as exceedingly long trials or lengthy judicial absences due to illness. Most judges take their responsibilities seriously and strive to comply with the caseload management standards. We believe the problem pertains to a minority number of judges. The amendment does not reflect confidence in this state's chief judges nor confidence in this state's judiciary.


The Supreme Court has entrusted the responsibility of case load management to the chief judges; allow them to fulfill their responsibilities. Provide constructive assistance to the courts and support the chief judges as they exercise their power and discretion in accord with MCR 8.110(C)(3)(a).



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We urge the Supreme Court to reject the proposed amendment for the reasons outlined above. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, reading "Wendy Potts". The signature is written in a cursive, flowing style with a large initial "W" and a long, sweeping tail on the "P".

Wendy Potts
Chief Judge Circuit Court

WP:she

cc: Michigan Supreme Court Justices
Circuit Judges of the Sixth Judicial Circuit Court